

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Etty Tham

v.

Civil No. 19-cv-37-JL

Todd Lyons  
U.S. Immigration and Customs  
Enforcement Field Office Director

Christopher Brackett,  
Superintendent, Strafford County  
House of Corrections

**ORDER**

After a telephonic hearing with the parties on January 19, 2019, the court orders the following schedule:

- The respondent shall file their response to the petition by January 25, 2019.
- Petitioner shall file a reply, or response to motions filed by respondent, by February 1, 2019.
- The court will hold a hearing on the petition and on any motion respondent files as part of its response to the petition, on February 6, 2019 at 9:30 a.m.
- The parties shall file lists of any exhibits or witnesses they intend to present at the hearing by 12:00 p.m. on February 4, 2019.

An earlier petition for writ of habeas corpus by the same petitioner was dismissed pursuant to a stipulation between the

parties.<sup>1</sup> The stipulation included that "Petitioner agrees that she will file an I-246 Application for a Stay of Deportation or Removal with Immigrations and Customs Enforcement (ICE) no later than Friday, November 2, 2018, and ICE agrees not to remove Petitioner from the United States prior to that date." An exhibit to petitioner's current petition states that this I-246 application was granted and that, as of December 2018, provided for a stay of removal through February 9, 2019.<sup>2</sup> From the representations made by both parties at the telephonic hearing, the court understands that the parties have separately agreed that the government will not attempt to remove petitioner before the Board of Immigration Appeals (BIA) rules on her pending motion to reopen, and for that reason, petitioner's counsel has not filed an emergency motion for a stay of removal before the BIA.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Joe Laplante", written over a horizontal line.

Joseph N. Laplante  
United States District Judge

Date: January 18, 2019

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<sup>1</sup> Joint Stipulation of Dismissal (doc. no. 67), Tham v. Brackett, No. 18-cv-674-JL (D.N.H. Oct. 26, 2018).

<sup>2</sup> Ex. C - Decision to Continue Detention (doc. no. 1-3).

Cc: William Hahn, Esq.  
John Newman, Esq.  
Robert Rabuck, Esq.  
David Plourde, Esq.